

PROOF OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF EAGLE)

I, Jenny Rakow, Town Clerk for the Town of Eagle, do solemnly swear and affirm that I published in full a true and correct copy of Ordinance No. 03, Series of 2020, on the Town of Eagle’s web site, www.townofeagle.org, on the 14TH day of May, 2020.

Witness my hand and seal this 14th day of May 2020.



Jenny Rakow
Town Clerk



**TOWN OF EAGLE, COLORADO
ORDINANCE NO. 03
(Series of 2020)**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO,
AMENDING THE HOLY CROSS ENERGY FRANCHISE AGREEMENT BY INCREASING
THE FRANCHISE FEE FROM 3% TO 4%**

WHEREAS, on December 14, 2010, the Town and Holy Cross Energy, a Colorado corporation, entered into a Franchise Agreement (the "Franchise Agreement") by Ordinance No. 2010-19;

WHEREAS, the Franchise Agreement allows Holy Cross Energy to locate, build, install, construct, acquire, purchase, extend, maintain, repair and operate within and through the Town of Eagle, all necessary and convenient facilities for the purchase, generation, transmission and distribution of electrical energy, and to furnish, sell and distribute said electrical energy to the residents of the Town of Eagle for light, heat and power and other purposes by means of conduits, cables, poles and wires strung thereon, or otherwise on, over, under, along, across and through all public easements and all streets and other public ways in the Town;

WHEREAS, pursuant to Section 8.1 of the Franchise Agreement, the Town receives 3% of Holy Cross Energy's quarterly revenue as a Franchise Fee, which is to be surcharged to the residents of the Town of Eagle;

WHEREAS, pursuant to Section 9.2, the Town Council may decide that the Franchise Fee percentage shall be changed, and shall provide for such by ordinance;

WHEREAS, Holy Cross Energy provided notice for three (3) consecutive weeks on February 6, 2020, February 13, 2020 and February 20, 2020 by publication in the Eagle Valley Enterprise of the passage of such ordinance, which affidavit of publication has been provided to the Town Clerk; and

WHEREAS, on May 12, 2020, a public hearing was held before the Town Council to consider the adoption of the amendments set forth herein, following public notice as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO, AS FOLLOWS:

Section 1. Section 8.1 of the Franchise Agreement is hereby amended as follows:

A. Franchise Fee. As a further consideration for this Franchise, and accepted by the Town in lieu of all occupancy and license taxes and all other special taxes, assessments, fees, or excises upon the Facilities or other property of the Company, or other levies that might be imposed, either as a franchise tax, occupation tax, occupancy tax, license tax, permit charge, or for the inspection of the Facilities or

other property of the Company, and charges which would otherwise be chargeable to the Company, or otherwise, the Company shall pay to the Town a sum equal to ~~three~~ FOUR percent (3 4%) of its quarterly Revenues collected from the sale of electricity within the boundaries of the Town for electrical energy furnished for light, heat, power and other purposes. This ~~three~~ FOUR percent (3 4%) fee shall be surcharged to the Residents within the Town and is in addition to any charges specified in the Company's Electric Service Tariffs, Rules and Regulations and any applicable taxes. Payment of the franchise fee does not exempt the Company from payment of property or sales taxes which are not directly related to the franchise or the occupation of the Streets and Other Public Ways. Revenues received from the Town facilities will not be assessed a ~~three~~ FOUR percent (3 4%) fee under this section nor will the Town be paid the ~~three~~ FOUR percent (3 4%) fee from such revenues collected from Town facilities.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON MAY 12, 2020.

TOWN OF EAGLE, COLORADO



Scott Turnipseed, Mayor

I hereby attest that introduction and first reading of this ordinance took place on MAY 12, 2020. This ordinance was published in full on the Town of Eagle website, www.townofeagle.org.

ATTEST:



Jenny Rakow, Town Clerk

